

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:	x	
	:	Chapter 11
	:	
LEHMAN BROTHERS HOLDINGS INC.,	:	Case No. 08-13555 (JMP)
	:	
Debtor.	:	(Jointly Administered)

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**NOTICE OF APPEARANCE AND DEMAND FOR SERVICE OF PAPERS**

PLEASE TAKE NOTICE that pursuant to Rule 9010(b) of the Federal Rules of Bankruptcy Procedure, New York State Comptroller Thomas P. DiNapoli, as Sole Trustee of the New York State Common Retirement Fund, hereby appears in the above-captioned Chapter 11 case through his undersigned attorneys, ENTWISTLE & CAPPUCCI LLP, and demands service of all notices and papers herein upon:

ENTWISTLE & CAPPUCCI LLP  
280 Park Avenue, 26<sup>th</sup> Floor West  
New York, New York 10017  
(212) 894-7200 telephone  
Attn: Andrew J. Entwistle  
e-mail: [aentwistle@entwistle-law.com](mailto:aentwistle@entwistle-law.com)  
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PLEASE TAKE FURTHER NOTICE that the foregoing demand includes, without limitation, all pleadings of any kind, including, without limitation, all notices, motions, complaints, and orders, whether written or oral, formal or informal, however transmitted, related in any way to the above-captioned case or any case, controversy, or proceeding related to the

case. The undersigned requests that its name be added to the mailing matrix for the referenced case and the proceedings herein.

PLEASE TAKE FURTHER NOTICE that neither this *Notice of Appearance and Demand for Service of Papers* (the “Notice”) nor any later appearance, pleading, proof of claim, claim, or suit shall constitute a waiver of (i) the right to have final orders in non-core matters entered only after *de novo* review by a District Judge, (ii) the right to trial by jury in any proceeding triable in this case or any case, controversy, or proceeding related to this case, (iii) the right to have the District Court withdraw the reference in any matter subject to mandatory or discretionary withdrawal, (iv) any objection to the jurisdiction of this Bankruptcy Court for any purpose other than with respect to this Notice, (v) an election of remedy, (vi) any other rights, claims, actions, defenses, setoffs, or recoupments as appropriate, in law or in equity, under any agreements, all of which rights, claims, actions, defenses, setoffs, and recoupments are expressly reserved.

Dated: New York, New York  
October 24, 2007

By: \_\_\_\_\_/s/\_\_\_\_\_

Andrew J. Entwistle, Esq. (AE-6513)  
Johnston de F. Whitman, Jr., Esq. (JW-5781)  
Jonathan H. Beemer (JB-0458)  
Joshua K. Porter (KP-2660)

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*Attorneys for New York State Comptroller Thomas  
P. Napoli, as Sole Trustee of the New York State  
Common Retirement Fund*